

Appn. No. 10/646,276

Attorney Docket No. 11721-032

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claims 1-35 remain pending.

Allowable Subject Matter

Applicant acknowledges the examiner's indication claim 17 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Objections

Claim 35 has been amended to depend from claim 34 as noted by the examiner.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-16, and 18-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,623,032 to Curtis et al. (Curtis) in view of U.S. Patent No. 6,556,903 to Chinigo et al. (Chinigo).

With regard to claims 1 and 19, Curtis teaches a clip with a strain gauge that likely provides a micro-voltage analog output. Chinigo teaches a system for a bus that indicates to a driver which seats are in use based on a binary indicator (irregardless of tension). Therefore, it is not possible to merely combine Curtis



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Appn. No. 10/646,276

Attorney Docket No. 11721-032

and Chinigo to provide a device that alerts the operator when the tension is within a predetermined range. Rather, some other system or device would be required inbetween the device of Curtis and the system of Chinigo. Curtis and Chinigo alone cannot alert the operator if the tension is within the determined range. Since, no such intermediate device is taught or suggested the obviousness rejection as provided is improper.

With regard to claim 3, the examiner states that Curtis depicts a printed circuit board. However, Curtis depicts a strain gauge in Figure 2, no printed circuit board is shown in the figure or described in the specification.

Especially with regard to claims 9 and 12-15, applicant suggests that a *prima facia* case for obviousness has not been established by the examiner. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte, Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Inter. 1985).

The examiner concedes the limitation is not show in either reference and offers only a conclusory statement that the limitation is obvious. "The examiner bears the initial burden of factually supporting any *prima facia* conclusion of obviousness." MPEP §2142. The examiner has not provided factual support that the subject matter of claims 9 and 12-15 would have been obvious at the time of the invention to a person of ordinary skill in the art. Clearly in these



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instances the examiner has failed to provide *prima facia* case for obviousness. No references or line of reasoning, supported by facts, is provided that shows the limitations of these claims or that the limitations would have been obvious to one of ordinary skill in the art at the time of the invention.

Claims 2-18 and 20-35 depend from claims 1 or 19 and are, therefore, patentable for at least the reasons given above in support of claim 1 and 19.

Accordingly, Applicants respectfully submit that claims 1-35 are patentable over the cited art for at least the reasons provided above.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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